



Dep & Ref

PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 AUG - 5 PM 7 27

In re Patent Application of

SANCHEZ-FELIX

Serial No. 10/519,147

Filed: December 27, 2004

For: SAMPLING KITS, DEVICES AND USES THEREOF

US PATENT & TRADEMARK  
OFFICE Atty. Ref.: 620-355

Group: 1734

Examiner: Unknown

August 4, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR REFUND**

It is respectfully requested that the undersigned's deposit account be credited \$1,000 in regard to this case on the basis of the following:

This application was filed on December 27, 2004 claiming small entity status. As filed, the application included 20 extra claims so that, in addition to the small entity filing fees (\$500), an extra claims fee of \$500 was paid (see attached copy of Filing Request – note small entity claim on page 2 as indicated in the attached copy and the corresponding reduction in one half of the fees due).

Due to Patent Office error, the small entity claim was not noted and the fees paid were considered solely to be the filing fees and not to include any extra claims fees. Thus, applicant's deposit account was charged \$1,000 on or about June 21, 2005 (copy of PTO fee records sheet attached). Because this application was filed claiming small entity status, all required fees were paid with this application and no charge should have been made to the undersigned's deposit account. Therefore, a refund of \$1,000 to the undersigned's deposit account is in order.

BEST AVAILABLE COPY

DEPARTMENT OF COMMERCE - PATENT & TRADEMARK OFFICE

SEARCHED  
INDEXED  
FILED

SEARCHED  
INDEXED  
FILED

SEARCHED  
INDEXED  
FILED

SANCHEZ-FELIX  
Serial No. 10/519,147

PATENT

If there are any questions regarding this request, please direct them to the undersigned at the telephone number indicated below.

Respectfully submitted,

US PATENT & TRADEMARK  
OFFICE

**NIXON & VANDERHYE P.C.**

By:



Michelle N. Lester  
Reg. No. 32,331

MNL:slj  
11th Floor  
901 North Glebe Road  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

BEST AVAILABLE COPY

Patent Ref:  
10/28/2005 2026235023

Credit Card Refund Total: \$530.00

On Exp. 10/28/2005

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 620-355
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) unknown	
INTERNATIONAL APPLICATION NO. PCT/GB03/002800	INTERNATIONAL FILING DATE 27 June 2003	PRIORITY DATE CLAIMED 28 June 2002	
TITLE OF INVENTION SAMPLING KITS, DEVICES AND USES THEREOF		US PATENT & TRADEMARK OFFICE	
APPLICANT(S) FOR DO/EO/US SANCHEZ-FELIX et al.			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The U.S. has been elected (Article 31).</p> <p>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input checked="" type="checkbox"/> is attached hereto (50 pages specification &amp; claims (40 claims), 13 sheets drawings).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> is attached hereto (      pages specification, claims &amp; abstract (      claims),      sheets drawings).</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the international Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. a. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>b. <input checked="" type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (6 page Form PCT/RO/101 and first page of printed publication WO 2004/003515 A2 acknowledging receipt thereof attached).</p> <p>10. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11 To 20 below concern document(s) or information included:</b></p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</p> <p>13. a. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>b. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information.</p>			

BEST AVAILABLE COPY

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER																								
unknown	PCT/GB03/002800	620-355																								
<input checked="" type="checkbox"/> The following fees are submitted:																										
<b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b>																										
<input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00 <input checked="" type="checkbox"/> b) Examination Fee ..... \$200.00 <input checked="" type="checkbox"/> c) Search Fee ..... \$500.00																										
<b>TOTAL OF ABOVE CALCULATIONS</b> ..... \$1000.00																										
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																										
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)																								
63 -100	0	/50 = 0.00																								
X \$250.00																										
S 0.00																										
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).																										
<table border="1" style="width: 100%;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>40</td> <td>minus 20 =</td> <td>20 X \$50.00</td> </tr> <tr> <td>Independent Claims</td> <td>3</td> <td>minus 3 =</td> <td>0 X \$200.00</td> </tr> <tr> <td colspan="2"><b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b></td> <td></td> <td>\$360.00</td> </tr> <tr> <td colspan="3">Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$120.00/1 month; \$450.00/2 months; \$1020.00/3 months)</td> <td style="text-align: right;">S 0.00</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS</b> =</td> <td style="text-align: right;">S 2000.00</td> </tr> </tbody> </table>			CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total Claims	40	minus 20 =	20 X \$50.00	Independent Claims	3	minus 3 =	0 X \$200.00	<b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b>			\$360.00	Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$120.00/1 month; \$450.00/2 months; \$1020.00/3 months)			S 0.00	<b>TOTAL OF ABOVE CALCULATIONS</b> =			S 2000.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																							
Total Claims	40	minus 20 =	20 X \$50.00																							
Independent Claims	3	minus 3 =	0 X \$200.00																							
<b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b>			\$360.00																							
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$120.00/1 month; \$450.00/2 months; \$1020.00/3 months)			S 0.00																							
<b>TOTAL OF ABOVE CALCULATIONS</b> =			S 2000.00																							
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by one half.																										
S 1000.00																										
<input type="checkbox"/> <b>SUBTOTAL</b> = S 1000.00																										
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).																										
+ 0.00																										
<b>TOTAL NATIONAL FEE</b> = S 1000.00																										
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property + S 40.00																										
Fee for Petition to Revive Unintentionally Abandoned Application (\$1500.00 - Small Entity = \$750.00) S 0.00																										
<b>TOTAL FEES ENCLOSED</b> = S 1040.00																										
Amount to be: <input type="checkbox"/> refunded S <input type="checkbox"/> Charged S																										
a. <input type="checkbox"/> A check in the amount of \$40.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of S _____ to cover the above fees. A duplicate copy of this form is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A <u>duplicate</u> copy of this form is enclosed. d. <input checked="" type="checkbox"/> <b>CREDIT CARD PAYMENT FORM ATTACHED.</b> e. <input checked="" type="checkbox"/> The entire content of International Application No. PCT/GB03/002800 and any U.S. and foreign application(s) corresponding thereto, and GB 0215044.9, referred to in this application is/are hereby incorporated by reference in this application. <b>NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>																										
<b>CORRESPONDENCE ADDRESS</b> Direct all correspondence to:																										
<input checked="" type="checkbox"/> Customer Number: <b>23117</b>																										
Type Customer Number here																										
- Telephone: (703) 816-4000 J:alb																										
<i>Mary J. Wilson</i> Mary J. Wilson NAME																										
32,955 December 27, 2004 REGISTRATION NUMBER Date																										

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
Fee Record Sheet

01/03/2005 MKAYPAGH 00000107 10519147

01 FC:1631	300.00	0P
02 FC:1632	500.00	0P
03 FC:1633	200.00	0P

BEST AVAILABLE COPY

06/21/2005 SVIGIL 00000001 141148 10519147  
01 FC:1615 1000.00 DA

PTO-1556  
(5/87)

## PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

Application or Docket Number

0;519147

## CLAIMS AS FILED - PART I

		(Column 1)	(Column 2)
U.S. NATIONAL STAGE FEES			
BASIC FEE	SMALL ENT. = \$ 150	LARGE ENT. = \$ 300	
EXAMINATION FEE	Satisfies PCT Article 33(1)-(4) = \$ 50 / \$ 100	All other situations = \$ 100 / \$ 200	
SEARCH FEE	U.S. & ISA = \$ 50 / \$ 100 ALL other countries = \$ 200 / \$ 400	All other situations = \$ 250 / \$ 500	
FEES FOR EXTRA SPEC. PGS.	minus 100 =	/ 50 =	
TOTAL CHARGEABLE CLAIMS	40 minus 20 =	20	
INDEPENDENT CLAIMS	3 minus 3 =		
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>	

\* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE	OR	OTHER THAN SMALL ENTITY
RATE	Fee	Rate
BASIC FEE		OR BASIC FEE
EXAM. FEE		EXAM. FEE
SEARCH FEE		SEARCH FEE
X \$ 125 =		X \$ 250 =
X \$ 25 =		X \$ 50 =
X \$ 100 =		X \$ 200 =
+ \$ 180 =		+ \$ 360 =
TOTAL		TOTAL

## CLAIMS AS AMENDED - PART II

		(Column 1)	(Column 2)	(Column 3)
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
RATE	ADDITIONAL FEE	RATE
X \$ 25 =		OR X \$ 50 =
X \$ 100 =		X \$ 200 =
+ \$ 180 =		+ \$ 360 =
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE

		(Column 1)	(Column 2)	(Column 3)
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				<input type="checkbox"/>

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X \$ 25 =		OR X \$ 50 =	
X \$ 100 =		X \$ 200 =	
+ \$ 180 =		+ \$ 360 =	
TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than "20", enter "20".
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than "3", enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.